



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

June 12, 2008  
Young

Mayor Rose called the meeting to order at 7:00 pm.

**PRESENT:** Mayor John Rose, Councilmembers Carol Clemett, Steve Eulau, Richard Leider, Aaron Sharp, and Bruce Young.

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** Joann Bromberg, WABA.

**MINUTES:** Councilmember Sharp moved to approve the May 13, 2008 minutes as written. Councilmember Leider seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**WARRANTS:** Councilmember Leider moved to approve the June 10, 2008 warrant list for warrant numbers 7687 and 7689 through 7710 in the amount of \$13,144.81. Councilmember Young seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

#### **CLERK'S REPORT:**

**ROW STUDY MATERIALS:** Clerk-Treasurer Spens reported that the packet of study materials was delivered to the Planning Commission so that they can begin work on this issue at their June meeting.

**SUMMER MEETING SCHEDULE:** Clerk-Treasurer Spens reported that the July Council meeting will be held on July 1<sup>st</sup> so that all members of the Council are able to attend. She reminded the Council that this will be advertised as a Special Meeting because it will be held before the Council's regular meeting date. As such, the Council may only take action on items on the agenda and may not approve warrants. The July and August warrants will be approved in September, although the payments will be made during the appropriate month.

**ANNUAL REPORT:** Clerk-Treasurer Spens reported that the Town's Annual Report for 2007 has been filed with the State Auditor's Office. She noted that we are audited every two years, and our last audit was in 2007 so this is our off-year.

**SE 27<sup>TH</sup> STREET END:** Clerk-Treasurer Spens reported that the new owner of the property at 10604 SE 27<sup>th</sup> Street (formerly the Hanson property) asked if the Town intends to improve the unused street end in front of his property. She added that this new owner would like the Council to go "on record" as to their future plans for this street end. It was the consensus of

the Council that the Town has no plans to extend SE 27<sup>th</sup> Place into the unused street-end at this time.

**WATER REPORT:** Nothing to report.

**MARSHAL'S REPORT:** Nothing to report.

**WABA REPORT:** Joann Bromberg reported that WABA will start up the beach security patrols as soon as possible.

**EMERGENCY PREPAREDNESS:** Councilmember Eulau reported that the meeting held on May 22<sup>nd</sup> was a success with more than half of the team leaders attending that night and that the remainder met earlier tonight. He commented that the Map Your Neighborhood program for Beaux Arts is ready to launch and that the group will meet again in September to consider additional work, including holding a disaster drill in October.

**STORMWATER SYSTEM:** Councilmember Sharp reported that he successfully negotiated a contract with Thalweg for the revised Scope of Work at an estimated cost of \$2,530, which Mayor Rose has executed this evening as authorized by the Council at last month's meeting.

Councilmember Sharp noted that our "Drains to Lake" cautions painted in from of each storm drain are very faded and asked Clerk-Treasurer Spens to find the stencil used to paint the drain warning originally so that Bill Beck came refresh the paint.

**PROPOSED TREE ORDINANCE:** Councilmember Clemett outlined the changes in this version versus the last draft as follows:

1. Section 2 now includes definitions for Minimum Tree Count and Mature Tree, both of which require further discussion by the Council.
2. A possible change to Section 4 adding 4.2.4 to allow landmark trees to be removed under the 20% rule. This also needs further discussion by the Council.
3. Section 6 requires a plot plan as part of the application and the Council needs to discuss the merits of such a plan and how much detail it must illustrate.

Councilmember Clemett asked for comments on Item #1. Councilmember Leider commented that he feels a minimum tree count of 3 per 10,000 sq. ft. of lot area is sufficient and noted that this recommendation is based solely on walking around and making an informal assessment of the existing trees on properties.

Mayor Rose suggested that the definition title be changed from "Required Minimum Tree Count" to "Minimum Tree Count".

Councilmember Clemett stated that she believes the minimum count should be at least 4 per 10,000 sq. ft. of lot area. After some additional discussion, it was the consensus of the Council that they support the concept of a minimum tree count and that the number should be set at 3 per 10,000 sq. ft. of lot area for now.

Councilmember Sharp commented that he likes the definition for Mature Tree and wondered if larger trees can be assigned a higher “value” toward satisfying minimum tree count than trees with smaller diameters. He reminded the Council that one of his concerns about this ordinance as written is that it seeks to preserve the very large trees via ultimatum, which may end up encouraging owners to remove trees before they become large enough to reach landmark size. He explained that giving property owners increasing credit for retaining larger trees could serve to encourage those owners to keep the larger trees without imposed a “no cut” ultimatum. He added that it might also encourage property owners with medium diameter trees to allow them to grow to full maturity rather than cutting them before they can become landmark size, when cutting may no longer be an option.

Councilmember Sharp suggested that by assigning tree units as a function of the tree’s diameter rather than just counting trees, a large diameter tree would represent more tree units than a smaller diameter tree and would be more “valuable” to the owner in satisfying the minimum tree count per lot.

Councilmember Leider stated that he supports this concept as it recognizes the added value of the very large trees to the Village. Councilmember Young added that it also helps maintain adequate tree canopy.

Councilmember Clemett will work on new language to incorporate tree units into the draft ordinance. Councilmember Leider suggested that the minimum tree count be raised to 5 per 10,000 sq. ft. of lot area and be based on equivalent diameter rather than just the tree count. He added that it should include only trees with a majority of the tree on the owner’s property.

Councilmember Clemett then directed the Council’s attention to a discussion of Item #2. Councilmember Sharp reiterated his concerns that the ordinance as written will result in more trees being cut before they can become large enough to be designated as landmark trees. He feels that this will not happen if landmark trees are treated the same as other protected trees. He noted that he likes that the ordinance slows down tree removals and allows for community comment and education.

Councilmember Leider suggested that adding more balance to the exceptions that allow the removal of Landmark trees might address Councilmember Sharp’s concerns. He added that the balance could be achieved by expanding the concept of “reasonable use”.

Councilmember Clemett commented that she want the Town to find ways to celebrate the landmark trees and make having one on your property attractive.

Councilmember Eulau suggested that the diameter of a protected tree should be reduced to six inches and the rules for tree removal made consistent for all protected trees.

Councilmember Young commented that he likes the concept of “tree units” as a way to encourage preservation of larger trees, particularly those that are not yet landmark size. He added that he feels more comfortable with keeping a 12-inch diameter for protected trees.

Mayor Rose asked if Town Attorney Stewart has reviewed this draft. Councilmember Clemett answered that he reviewed an early draft of the ordinance but will ask him to review the latest draft since it has changed substantially since his last review.

Councilmember Clemett then stated that she thinks the ordinance as revised will still help protect landmark trees, even without a wholesale prohibition of their removal. She added that she likes the idea of “tree units” or “tree diameters” because it allows landmark trees to count for more than non-landmark trees. She stated that she will have a draft ordinance to Clerk-Treasurer Spens by next week so that it can be circulated to the Council and posted on the website for public review prior to the public hearing.

Mayor Rose asked if the Council is in agreement with holding the public hearing next month. It was the consensus of the Council that the public hearing on the Proposed Tree Ordinance should be held on July 1, 2008 at a Special Council Meeting.

Mayor Rose stated that he plans to handle this agenda item next month as follows:

1. Ask for a motion and a second to pass the ordinance, because lacking those two things there is no point in continuing through the public-hearing process.
2. Have a member of the Council make a brief presentation about the ordinance.  
Councilmember Leider volunteered to handle this.
3. Open the hearing and listen to public comments about the proposed ordinance.
4. Close the hearing and allow the Council to discuss the ordinance themselves.
5. Call for a vote.

It was the consensus of the Council that this is a prudent plan of action.

**CONFIRMATION OF TOM STOWE’S APPOINTMENT TO THE BOARD OF ADJUSTMENT:**

Mayor Rose commented that two residents expressed interest in the opening on the Board of Adjustment that resulted from Gail D’Alessio’s resignation and that after speaking with both persons, he has appointed Tom Stowe to fill the opening. He asked the Council to confirm his appointment.

**MOTION:** Councilmember Leider moved to confirm the appointment of Tom Stowe to the Board of Adjustment for a term ending 12/31/2010. Councilmember Sharp seconded.

Vote: 5 For, 0 Against, 0 Abstain.

**POSSIBLE ZONING CODE CHANGES:** Clerk-Treasurer Spens noted that the Council has discussed several issues recently that would involve possible zoning-code changes. She added that the Council decided a year or so ago that the Zoning Code should not be changed more often than once every twelve months, because of the amount of work involved each time a change is proposed.

Councilmember Sharp commented that the Zoning Code must dovetail with our stormwater regulations, the ROW use rules the Planning Commission is studying, and the Proposed Tree Ordinance, among other things. After some discussion, Councilmembers Sharp and Leider offered to review the current zoning code and the various changes that have been discussed

and develop guidelines to help the Planning Commission understand what the Council is requesting. They will also spend some time with Town Planner Green to discuss various zoning ideas and issues and will bring a guiding document to the Council for review in September.

**NO-WAKE BUOYS:** Clerk-Treasurer Spens reported that she had drafted a new no-wake ordinance based on input from the Marine Unit of the King County Sheriff's Office and discussions with Mayor Rose. After some deliberation, it became clear that the ordinance as drafted needs to be revised to address distances from WABA's boat docks. Clerk-Treasurer Spens will prepare some additional materials for the Council's review in July to help the Council determine just where the buoys should be placed.

**MAYOR AND COUNCILMEMBER REPORTS:**

**CENTENNIAL PARK:** Councilmember Clemett reported that plans for Centennial Park are moving forward, however the placement of the sport court has become problematic. She added that it now appears that the best location for the court is no longer on the water-tower lot itself but on the unused street end on SE 27<sup>th</sup> Place. She noted that the new owner of the neighboring property would have to be consulted before plans move forward.

Clerk-Treasurer Spens interjected that since this property is set aside as a street end, it is possible that it cannot be used as a park. She added that Town Attorney Stewart will have to review the proposal and determine whether and how to change the area's designated use.

**2008 FINANCIAL REVIEW:** Councilmember Leider stated that he plans to present a 2008 Budget Status report at the July meeting.

**TOLLS ON SR-520:** Mayor Rose reported that the Points Communities Mayors heard from Bob Drewel, Director of the Puget Sound Regional Council, at their last meeting on the topic of tolls on SR-520. He explained that several options are in discussion, including the use of variable tolls that change with the time of day and whether just SR-520 or both SR-520 and I-90 should be tolled. He asked the Council to consider the following four tolling alternatives:

1. SR-520 only when bridge construction begins in 2010.
2. SR-520 only when bridge construction is complete in 2016.
3. SR-520 and I-90 in 2010.
4. SR-520 and I-90 in 2016.

He noted that the Points Communities are concerned that toll monies will be diverted to purposes other than construction of the SR-520 bridge replacement, e.g. transit (a diversion which the legislature allows). He also noted that if the Council wishes to express a formal position, Councilmembers should plan to do so in the next three months.

It was the consensus of the Council that if tolls are imposed on SR-520 they must also be imposed on I-90 so that I-90 does not become significantly more congested. Mayor Rose will draft a motion to that effect for the Council to consider at the September Council.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council

meeting will be July 1st and will be held at Carol Clemett's house.

**ADJOURN:** Councilmember Sharp moved to adjourn the meeting at 9:10 pm.

Councilmember Clemett seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens

Clerk-Treasurer